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BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
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In the Matter of the Accusation
Against:

NO. D-4267

STIPULATION

HERBERT H. GUNN, M.D.
5890 Riverdale Road, Apt. M6
College Park, Georgia 30349
Physicians' and Surgeons'
Certificate No. C35382,

Respondent.

IT IS HEREBY STIPULATED by and between the parties to
the above-captioned matter that the following is true:

1. Herbert Harrell Gunn, Jr. (hereinafter referred to
as "respondent") was issued Physicians' and Surgeons' Certificate
No. C35382 by the Medical Board of California on or about
September 11, 1983. Said certificate became delinquent and
expired on or about September 30, 1985.

2. On or about June 29, 1990, Kenneth Wagstaff solely
in his official capacity as Executive Officer of the Medical
Board of California caused to be filed accusation number D-4267

1 setting forth causes for disciplinary action against respondent's
2 certificate as a physician and surgeon in the State of
3 California.

4 3. Said accusation together with all required
5 documentation was duly and properly served upon respondent both
6 at his address of record in California and at various addresses
7 in the State of Georgia where he now resides. Respondent
8 received said accusation and thereafter contacted counsel for
9 complainant.

10 4. From the accusation and related materials served
11 upon him, and his conversations with complainant, respondent
12 herein is aware and acknowledges that he has a right to an
13 administrative hearing on the charges and allegations set forth
14 in the accusation; the right to secure the services of counsel at
15 his own expense; the right to confront and cross-examine
16 witnesses who may be called against; the right to the use of
17 process to secure both oral and documentary evidence both in
18 defense and in mitigation of said charges; his right to petition
19 the Medical Board of California to reconsideration any decision
20 which may be rendered adversely to him; and his rights to appeal
21 to the courts of the State of California.

22 Respondent herein has elected to represent himself in
23 the pending proceedings, and has reviewed the charges and
24 allegations set forth in the accusation. Respondent herein
25 knowingly and intelligently and gives up his right to an
26 administrative hearing and agrees that the pending matter may be
27 settled pursuant to the instant stipulation.

5. For purposes of settlement of the accusation respondent herein stipulates that on or about December 3, 1987, respondent was served with an Order of Summary Suspension of his medical license by the Composite State Board of Medical Examiners of the State of Georgia. Thereafter, charges were filed and a hearing held at which respondent was represented by counsel. Thereafter, on February 8, 1989 the Composite Board issued a consent order. Said consent order set forth terms and conditions under which respondent could regain the right to practice in the state of Georgia, including but not limited to,

(1) Completion of a treatment program approved by the Board together with an agreement to participate in an aftercare program acceptable to the Board,

(2) Completion of at least 50 hours of Board approved continuing education at least half of which required to be in Pharmacology, Drug Abuse or related areas;

(3) Passing the Special Purpose Examination (SPEX) administered by the Federation of State Medical Boards of the United States.

Upon completion of said conditions and a lifting of the suspension, respondent thereafter shall be required to be on probation until discharged by the Georgia Board with terms and conditions as more particularly set forth in the order of the Composite State Board of Medical Examiners of the State of Georgia which bears case docket number 88-143 AG 9320.

1 DETERMINATION OF ISSUES

2 1. The Medical Board of California has jurisdiction
3 over respondent's certificate pursuant to the provisions of
4 Business and Professions Code section 118(b) in conjunction with
5 section 2456.3 of said code.

6 2. Respondent has subjected his certificate to
7 discipline under Business and Professions Code section 2234 on
8 grounds of unprofessional conduct as defined in section 2305 of
9 said code by reason of discipline taken against his certificate
10 by the Georgia State Composite Board of Medical Examiners as set
11 forth hereinabove in paragraph 5.

12 ORDER

13 Based upon the foregoing stipulations, admissions and
14 waivers it is agreed that the Medical Board of California may
15 issue the following Order:

16 1. Certificate number C35382 previously issued to
17 Herbert Harrell Gunn, Jr. is hereby revoked.

18 2. Respondent may hereafter petition for
19 reinstatement or modification of the Order of the Division
20 pursuant to the provisions of California Business and Professions
21 Code section 2307 not less than two years from the effective date
22 of the decision of the Division.

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24 AGREEMENT

25 I, HERBERT H. GUNN, JR., M.D., have read the foregoing
26 stipulation. Pursuant to its terms and conditions I understand
27 that if adopted, my California certificate will be revoked based

upon the fact of my discipline by the State of Georgia. I understand that I may not thereafter practice medicine in the State of California until such time as I have petitioned the Medical Board of California for reinstatement or modification of said Order of revocation and that said order is granted in accordance with the provisions of Business and Professions Code section 2307, copies of which I have received from counsel for complainant.

DATED: 9/26/90

Herbert Harrell Gunn, Jr.
HERBERT HARRELL GUNN, JR., M.D.

The foregoing stipulation is offered to the Division of Medical Quality for its adoption as its decision in case number D-4287.

DATED: 9/26/90

JOHN K. VAN DE KAMP, Attorney General
of the State of California
EARL R. PLOWMAN,
Deputy Attorney General

BY Earl R. Plowman
EARL R. PLOWMAN
Deputy Attorney General

Attorneys for Complainant

ADOPTION

The foregoing stipulation and Order is adopted as the Decision of the Division of Medical Quality of the Medical Board of California in case number D-4287. This 28th day of September, 1990 and shall become effective the 28th day of September, 1990.

Theresa Claassen
DIVISION OF MEDICAL QUALITY
THERESA CLAASSEN
Secretary/Treasurer

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BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DIVISION OF MEDICAL QUALITY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

HERBERT HARRELL GUNN, JR.
1818 South Western Avenue, No. 103
Los Angeles, CA 90006
Physician and Surgeon
Certificate No. C35382

Respondent.

) NO. D-4287

) ACCUSATION

Kenneth J. Wagstaff, Executive Director, for causes
for discipline, alleges:

1. Complainant Kenneth J. Wagstaff makes and files
this accusation in his official capacity as Executive
Director, Medical Board of California, Division of Medical
Quality, Department of Consumer Affairs, State of California.

2. On September 11, 1973, the Medical Board of
California issued physician and surgeon certificate number

1 C35382 to Herbert Harrell Gunn, Jr. On September 30, 1985,
2 the license expired and has not been renewed.

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4 3. Under Business and Professions Code section
5 2220, the Division of Medical Quality may take action against
6 all persons guilty of violating provisions of the Medical
7 Practice Act.

8 Under Business and Professions Code section 118(b),
9 the expiration of a license shall not deprive the board of
10 jurisdiction to proceed with a disciplinary action during the
11 period within which the license may be renewed, restored,
12 reissued or reinstated. Under Business and Professions Code
13 section 2456.3, the Board may renew an expired license at any
14 time within five years after the expiration.

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16 4. Respondent has subjected his certificate to
17 discipline under Business and Professions Code section 2234
18 on the grounds of unprofessional conduct as defined in
19 section 2305 of that code in that on February 8, 1989, the
20 Georgia State Composite Board of Medical Examiners suspended
21 respondent's license to practice medicine in that state
22 commencing December 1, 1987, for no less than one year.

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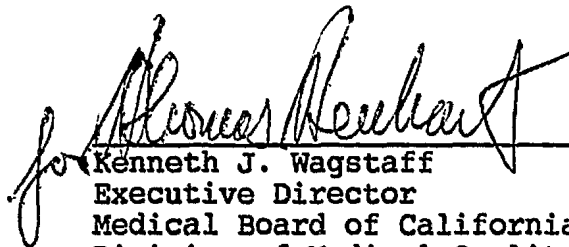
24 WHEREFORE, complainant prays that a hearing be held
25 and that the Division of Medical Quality issue an order:

26 1. Revoking or suspending physician and surgeon
27 certificate number C35382, issued to Herbert Harrell Gunn,
28 Jr.

1 2. Prohibiting Herbert Harrell Gunn, Jr. from
2 supervising a physician's assistant.

3 3. Taking such other and further action as may be
4 deemed proper and appropriate.

5 DATED: June 29, 1990

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Kenneth J. Wagstaff
Executive Director
Medical Board of California
Division of Medical Quality
Department of Consumer Affairs
State of California

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12 Complainant
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28 (Judith A. Rose)